

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-81

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 27, 2007*Codification
District of
Columbia
Official Code*

2001 Edition

2007 Fall
Supp.West Group
Publisher

To provide, on an emergency basis, for the appointment of a receiver to operate a hospital, to provide the grounds for such an appointment, to establish the process regarding the appointment of a receiver, to establish the powers and duties of a receiver, to provide for the use of hospital revenues during a receivership, to provide for the termination of a receivership, to establish that a court order shall have the effect of a license for the duration of a receivership, and to establish the liability of a receiver and of the District.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Establishment of a Hospital Receivership Emergency Act of 2007".

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "Emergency" means a situation, physical condition, or one or more practices, methods, or operations that presents imminent danger of death or serious physical or mental harm to a patient, including imminent or actual abandonment of an occupied hospital.

(2) "Habitual violation" means a violation of the standards of health, safety, or patient care established under District or federal law that, due to its repetition, presents a reasonable likelihood of serious physical or mental harm to patients.

(3) "Hospital" means a facility that provides 24-hour inpatient care, including diagnostic, therapeutic, and other health-related care for a variety of physical or mental conditions and may provide outpatient services, such as emergency care.

(4) "Licensee" means a person or other legal entity, other than a receiver appointed pursuant to section 3, that is licensed or required to be licensed to operate a hospital.

(5) "Owner" means the holder of the title to the real estate on which the hospital is maintained.

(6) "Patient" means a person living in or receiving care from a hospital.

(7) "Substantial violation" means a violation of the standards of health, safety, or patient care established under District or federal law that presents a reasonable likelihood of serious physical or mental harm to patients.

Sec. 3. Appointment of a receiver; grounds; process.

(a) The Mayor may bring an action in the Superior Court of the District of Columbia requesting the appointment of a receiver to operate a hospital.

(b) The following circumstances are grounds for the appointment of a receiver:

(1) A hospital intends to close, but has not arranged for the orderly transfer of patients at least 30 days prior to its closure date;

(2) An emergency, as defined in section 2(1), exists at the hospital; or

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(3) A habitual or substantial violation, as defined in section 2(2) and (7), respectively, exists at the hospital.

(c)(1) The court shall hold a hearing no later than 10 days after an action requesting the appointment of a receiver is filed, unless all parties agree to a later date.

(2) Notice of the hearing shall be served on both the owner and the licensee not less than 5 days before the hearing. If either the owner or the licensee cannot be served, the court shall specify the alternative notice to be provided.

(3) The Mayor shall post notice of the hearing, using a court-approved form, in a conspicuous place in the hospital, for not less than 3 days before the hearing.

(4) After the hearing, the court may appoint a receiver if it finds that any one of the grounds for an appointment set forth in subsection (b) of this section has been satisfied.

(d)(1) The court may:

(A) Appoint any person considered appropriate as receiver, except a District employee; and

(B) Remove a receiver for good cause.

(2) The court shall set a reasonable compensation for the receiver, which shall be paid from the revenue of the hospital.

(3) A receiver shall not be considered an agent of the District of Columbia.

Sec. 4. Powers and duties of a receiver.

(a) A receiver appointed pursuant to this act shall have such powers as the court may direct to:

(1) Operate the hospital;

(2) Remedy the conditions that constituted the grounds for the receivership;

(3) Protect the health, safety, and welfare of the patients; and

(4) Preserve the assets and property of the patients, owner, and licensee.

(b) With approval of the court, a receiver shall have the authority to:

(1) Remedy violations of District or federal laws governing the operation of the hospital;

(2) Hire, direct, manage, and discharge any employee, including the administrator of the hospital;

(3) Receive and expend in a reasonable and prudent manner the revenues of the hospital received by the hospital during the 30-day period preceding the date of his or her appointment and any revenue due thereafter;

(4) Continue the operation of the hospital;

(5) Continue the care of the patients;

(6) Correct and eliminate any deficiency of the hospital that endangers the safety or health of the patients; and

(7) Exercise such additional powers and perform such additional duties, including regular accountings, as the court considers appropriate.

(c)(1) The receiver shall:

(A) Apply the revenues of the hospital to current operating expenses and, subject to subparagraphs (B) and (C) of this paragraph, to debts incurred by the licensee prior to the appointment of the receiver;

(B) Ask the court for direction in the treatment of debts incurred prior to his or her appointment where such debts appear extraordinary, of questionable validity, or

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unrelated to the normal and expected maintenance and operation of the hospital, or where payment of a debt will interfere with the purposes of the receivership; and

(C) Give priority to expenditures needed for current, direct patient care.

(2)(A) If a receiver does not have sufficient funds to cover expenditures needed to prevent or remove jeopardy to the patients, the receiver may petition the court for permission to borrow non-District funds for this purpose. Notice of the receiver's petition to the court for permission to borrow must be given to the owner, the licensee, and the Mayor.

(B) The court, after a hearing, may authorize the receiver to borrow money upon specified terms of repayment and pledge security, if necessary, if the court determines:

(i) That the hospital should not be closed and that the loan is reasonably necessary to prevent or remove jeopardy; or

(ii) That the hospital should be closed and that the loan is necessary to prevent or remove jeopardy to patients for the limited period of time they are awaiting transfer to another hospital or other facility.

(d) A receiver may not close a hospital without leave of the court. In ruling on the issue of closure, the court shall consider:

(1) The rights and best interests of the patients;

(2) The availability of suitable alternative placements;

(3) The rights, interests, and obligations of the owner and licensee;

(4) The licensure status of the hospital; and

(5) Any other factors the court considers relevant.

(e) The owner and the licensee shall be divested of possession and control of the hospital during the period of receivership, under the conditions the court specifies.

Sec. 5. Court order to have effect of a license.

An order appointing a receiver pursuant to section 3 shall have the effect of a license of operation for the duration of the receivership. The receiver shall be responsible to the court for the conduct of the hospital during the receivership, and a violation of regulations governing the conduct of the hospital, if not promptly corrected, shall be reported to the court.

Sec. 6. Court review and termination of a receivership.

(a) The court shall review the continued necessity of a receivership at least semiannually.

(b)(1) The court shall terminate a receivership when it certifies that the conditions that prompted the receivership have been corrected or, in the case of a discontinuance of operation, when the patients are safely relocated.

(2) The court shall not terminate a receivership in favor of the former licensee or of a new licensee, unless the person, or entity, assumes all obligations incurred by the receiver and provides collateral or other assurances of payment considered sufficient by the court.

Sec. 7. Liability of receiver.

No person may bring suit against a receiver appointed pursuant to section 3 without first securing leave of the court. Except in cases of gross negligence or intentional wrongdoing, a receiver shall be liable only for actions taken in his or her official capacity, and any adverse judgment shall be satisfied out of receivership assets.

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Sec. 8. Liability of District of Columbia.

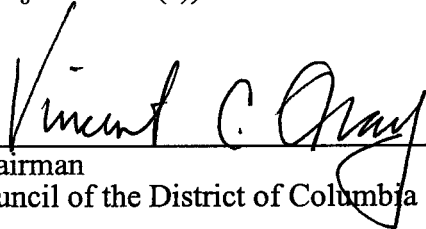
The District of Columbia shall not be liable for repayment of funds borrowed by a receiver during the course of the receivership or responsible for any financial obligations of the hospital.

Sec. 9. Fiscal impact statement.

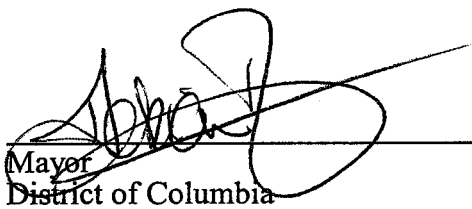
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 10. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
July 27, 2007

COUNCIL OF THE DISTRICT OF COLUMBIA**OFFICE OF THE BUDGET DIRECTOR - COUNCIL FISCAL IMPACT STATEMENT****Legislative Number:****Short Title:** Establishment of Hospital Receivership Emergency/Temporary Act of 2007

Type: ☐ Permanent ☒ Emergency/Temporary ☐ Amendment

Version: ☐ Introduced ☐ Committee Print ☐ Engrossed ☒ Emergency
☐ Committee Print (Draft) ☐ Com. Print (Amended) ☐ Enrolled ☒ Temporary

FISCAL IMPACT SUMMARY

- ☒ Implementation of this legislation has no impact on spending or revenue.
- ☐ Implementation of this legislation has the following costs within the budget and financial plan:

FY 2007	FY 2008	FY 2009	FY 2010	4-Year Total

(Dollars in Thousands)

- ☐ Funds sufficient to implement this legislation are appropriated within the current budget and four-year financial plan.
- ☐ This legislation will become effective subject to future funding being included within a budget and four-year financial plan.
- ☐ Funds are not available to support the fiscal effect of this legislation. This legislation does not meet the requirements of Council Rule 443(c).

ANALYSIS OF IMPACT ON SPENDING**Agency/Department(s) that will be affected:**

- ☒ None ☐ This legislation will impact spending.

Office of the Budget Director Analysis:

This legislation has no impact on District spending and does not appropriate any District funds. Section 9 of the legislation reads, "The District of Columbia shall not be liable for repayment of funds borrowed by the receiver during the course of the receivership or responsible for any financial obligations of the hospital." At no time is the Mayor, an employee, or agent of the District acting as the receiver for the hospital. The hospital's receiver also may not borrow District funds.

Legislative Number:

Council Fiscal Impact Statement - Page 2 of 2

Short Title: Establishment of Hospital Receivership Emergency/Temporary Act of 2007

ANALYSIS OF IMPACT ON REVENUE☒ None ☐ This legislation will impact revenue.

Office of the Budget Director Analysis:

SOURCES OF INFORMATION

Requesting Councilmember(s): David A. Catania, Chairperson, Committee on Health

Date of Request: 7-09-07

Council Budget Director's Signature:


Eric J. Goulet7-9-07
Date ReportedOffice of the Budget Director
Council of the District of Columbia
1350 Pennsylvania Avenue, NW
Suite 508
Washington, DC 20004-3003

Phone: (202) 724-8139

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ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-82

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 26, 2007*Codification
District of
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Official Code*

2001 Edition

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To permit, on an emergency basis, a student with a medication action plan to possess and self-administer asthma or anaphylaxis medications while at the school in which the student is currently enrolled, at school-sponsored activities, and while on school-sponsored transportation, to require schools to maintain student medical records in an easily accessible location, to prohibit the misuse of self-administered medications, to allow schools to store additional medication for self-administering students, and to authorize the Mayor to promulgate rules to implement the provisions of this act.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Student Access to Treatment Emergency Act of 2007".

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "Medication action plan" means a written medical treatment plan for an individual student with prescription medication that is developed and submitted to a school in accordance with section 4.

(2) "Responsible person" means, in the case of a student under 18 years of age, a parent, legal guardian, legal custodian, foster parent, or other adult charged with the ongoing care and supervision of the student, and in the case of a student 18 years of age or older, the student himself or herself.

(3) "School" means:

(A) Any public school operated under the authority of the Mayor of the District of Columbia; and

(B) Any charter school, parochial school, or private school in the District.

Sec. 3. Possession and self-administration of medication.

A student may possess and self-administer medication at the school in which the student is currently enrolled, at school-sponsored activities, and while on school-sponsored

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transportation, to treat asthma, anaphylaxis, or other potentially life-threatening illness; provided, that:

- (1) The responsible person has submitted a valid medication action plan to the school; and
- (2) All other conditions set forth in this act, or in rules promulgated pursuant to this act, are met.

Sec. 4. Medication action plan.

(a) No student shall possess or self-administer medication at the school in which the student is currently enrolled, at school-sponsored activities, or while on school-sponsored transportation, unless the school has a valid medication action plan for that student.

(b) A valid medication action plan shall include:

- (1) Written medical authorization, signed by the student's health practitioner, that states:
 - (A) The name of the student;
 - (B) Emergency contact information for the responsible person;
 - (C) Contact information for the health practitioner;
 - (D) The name, purpose, and prescribed dosage of the medication;
 - (E) The frequency that the medication is to be administered;
 - (F) The possible side effects of the medication;
 - (G) Special instructions or emergency procedures; and
 - (H) In the case of self-administered medication, confirmation that the student has been instructed in the proper technique for self-administration of the medication and has demonstrated the ability to self-administer the medication effectively;

(2) Written authorization, signed by the responsible person, that states:

(A) A trained school employee may administer medication to the student in accordance with rules established by the Mayor; or

(B) In the case of self-administration, the student may possess and self-administer the medication at the school in which the student is currently enrolled, at school-sponsored activities, and while on school-sponsored transportation; and

(3) Written acknowledgment that the school and its employees shall incur no liability and that the responsible person shall indemnify and hold harmless the school and its employees against any claims that may arise relating to the administration, general supervision, training, administration, or self-administration of the authorized medication.

(c) Within 30 days of any changes in the student's health that affect the medication action plan, the responsible person shall revise the medication action plan and submit the amended plan to the school.

(d) The medication action plan shall be updated at least annually, in accordance with a schedule determined by the Mayor.

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(e) A school may deny a medication action plan, pursuant to terms established by the Mayor.

Sec. 5. Maintenance of records.

(a) A school shall keep the medication action plan in the school health suite, or other designated, easily accessible location.

(b) A school shall create and maintain a list of students with valid medication action plans, including the emergency contact information for each student. The principal of the school may distribute this list among appropriate school employees.

(c) Each school that has a student with a medication action plan for self-administration may schedule a meeting at the beginning of the school year with the school nurse, the principal, the student, the responsible person, and any other appropriate school staff to review the student's medication action plan. Authorization to possess and self-administer previously approved medication shall not be dependent on having had this meeting.

Sec. 6. Storage of medication.

(a) A school may receive additional medication from the responsible person for a student with a valid medication action plan; provided, that no school shall be required to store more than a 30-school-day supply of medication for any one student.

(b) Additional medication shall be:

(1) Properly stored at the school in a location to which the student has immediate access in case of an emergency; and

(2) Labeled with the name of the student and the name of the medication, including the dosage, the frequency of administration, and the duration of the medication.

Sec. 7. Misuse.

A student who self-administers medication while at school, at a school-sponsored activity, or while on school-sponsored transportation for a purpose other than his or her own authorized treatment may be subject to disciplinary action by the school; provided, that disciplinary action shall not limit or restrict the access of a student to his or her prescribed medication. The school shall promptly notify the responsible person of any disciplinary action imposed.

Sec. 8. Liability waiver.

(a) No school nor any employee or agent of a school shall be held liable for the good-faith performance of responsibilities under this act.

(b) Except as provided in subsection (a) of this section, nothing in this act shall be interpreted to create a cause of action or to increase or diminish the liability of any person.

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Sec. 9. Rules.

(a) The Mayor, pursuant to Title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this act.

(b) The Mayor may establish, by regulation, additional types of medication a student may self-administer and potentially life-threatening illnesses for which a student may self-administer medication other than those provided in this act.

Sec. 10. Fiscal impact statement.

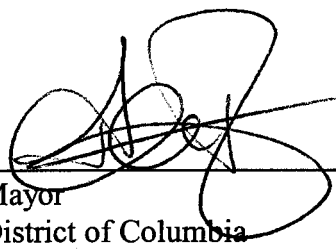
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 11. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
July 26, 2007

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-83

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JULY 25, 2007

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To amend, on an emergency basis, the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to increase the pay levels for the Executive Schedule for subordinate agency head positions from 5 to 7; and to approve the proposed compensation system changes submitted by the Mayor.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Executive Service Compensation System Change and Pay Schedule Emergency Amendment Act of 2007".

Sec. 2. Section 1052 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective June 10, 1998 (D.C. Law 12-124; D.C. Official Code § 1-610.52), is amended as follows:

Note,
§ 1-610.52

(1) Subsection (a) is amended by striking the number "5" and inserting the number "7" in its place.

(2) Subsection (b) is amended to read as follows:

"(b)(1) The Mayor shall designate the appropriate pay level for each subordinate agency head position based on market analyses and other relevant criteria; provided, that any salary on the E6 or E7 pay grade shall be submitted to the Council for a 45-day period of review, excluding days of Council recess. If the Council does not approve or disapprove the proposed salary within the 45-day period, the proposed salary shall be deemed disapproved.

"(2) Notwithstanding paragraph (1) of this subsection, the requirement for Council approval of salaries shall not apply to salaries of the Chief Financial Officer, the Chief of the Metropolitan Police Department, the Chief of the Fire and Emergency Medical Services Department, the Chief Medical Examiner, the Chancellor of the District of Columbia Public Schools, and the Director of the Office of the Public Education Facilities Modernization."

Sec. 3. Pursuant to section 1052 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective June 10, 1998 (D.C. Law 12-124; D.C. Official Code § 1-610.52), the Council approves the proposed compensation system changes recommended by the Mayor to the Executive Schedule for subordinate agency head positions to add the rates of pay for newly established pay grades E6 and E7, which were transmitted to the Council by the Mayor on July 6, 2007, and which provide as follows:

DISTRICT OF COLUMBIA SALARY SCHEDULE: EXECUTIVE SERVICE**Fiscal Year:** 2007/2008**Service Code Definition:** Executive Service**Effective Date:****Affected CBU/Service Code(s):** XXX A87**Percentage Increase:** 0%**Union/Non-union:** Non-union**Pay Plan Schedule:** DX**PeopleSoft Plan:** DX0000**Resolution Number:****Date of Resolution:**

Grade	Min	Mid	Max
E1	\$85,284	\$106,605	\$127,926
E2	\$92,746	\$115,901	\$139,056
E3	\$100,848	\$125,964	\$151,081
E4	\$109,590	\$136,859	\$164,129
E5	\$118,651	\$148,874	\$179,096
E6	\$148,000	\$186,500	\$225,000
E7	\$185,000	\$232,450	\$279,900

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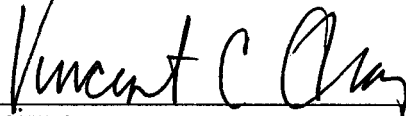
Sec. 4. The compensation system changes approved in section 3 shall become effective immediately.

Sec. 5. Fiscal impact statement.

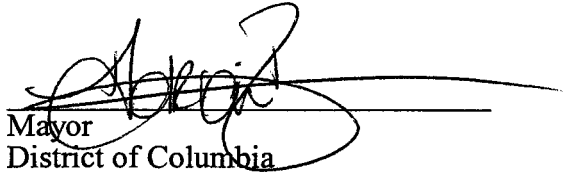
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
July 25, 2007

ENROLLED ORIGINAL

AN ACT
D.C. ACT 17-84IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JULY 27, 2007*Codification
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To establish a limitation on the District's contribution to the project budget for certain hard and soft costs of the ballpark and to amend the Ballpark Omnibus Financing and Revenue Act of 2004 to make a conforming amendment.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Ballpark Hard and Soft Costs Cap Act of 2007".

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "Ballpark", "Ballpark Site", and "MLB Team" shall have the same meanings as provided in section 105(a)(1), (2), and (4), respectively, of the Ballpark Omnibus Financing and Revenue Act of 2004, effective April 8, 2005 (D.C. Law 15-320; D.C. Official Code § 10-1601.05(a)(1), (2), and (4)).

(2) "Bonds" shall have the same meaning as in section 103(a)(2) of the Ballpark Omnibus Financing and Revenue Act of 2004, effective April 8, 2005 (D.C. Law 15-320; D.C. Official Code § 10-1601.03(a)(2)).

(3) "Hard costs" means the direct construction costs and builders contingency costs, estimated as \$295,075,993 and \$24,924,007, respectively, in the revised budget for the ballpark transmitted by the District of Columbia Sports and Entertainment Commission to the Council on February 3, 2006, for the construction of the ballpark.

(4) "Soft costs" means the soft, ancillary, contingency, completion guarantee fee, and financing fee costs for the construction of the ballpark, excluding the land acquisition, environmental remediation, relocation, and demolition costs, estimated as \$117,342,193, and excluding the \$24 million utilized for the renovation of RFK Stadium, as reflected in the May 31, 2007 revised budget for the ballpark transmitted by the District of Columbia Sports and Entertainment Commission to the Council on June 15, 2007.

Sec. 3. Limitation on contribution of bond proceeds and expenditure of funds.

(a) The District's contribution of bond proceeds from public financing to the project budget, and the expenditure of funds, for the construction of the ballpark shall not exceed \$300 million for the hard costs and \$175,184,218 for the soft costs.

(b) The expenditure limits of \$300 million and \$175,184,218 shall include public funds from any source expended by the District government or any of its independent agencies or instrumentalities.

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Sec. 4. Payment in excess of expenditure limits.

(a) Notwithstanding any other provision of law, and in accordance with Council approval of contract CA 16-185, the lease agreement between the District of Columbia Sports and Entertainment Commission and Baseball Expos, L.P., and the Construction Administration Agreement as set forth in the Ballpark Hard and Soft Costs Cap and Ballpark Lease Conditional Approval Temporary Act of 2006, effective June 8, 2006 (D.C. Law 16-115; 53 DCR 2542), and subject to section 3, the amount of the hard costs in excess of \$300 million and the soft costs in excess of \$175,184,218 shall be paid by:

- (1) The MLB Team;
- (2) Savings realized from value engineering; or
- (3)(A) Federal;

(B) Private; or

(C) Other non-District government funds, except that District government funds, other than funds in the General Fund of the District of Columbia, may be used if required by the bond indenture to finance the construction of the ballpark.

(b) The funds required by the bond indenture to finance construction of the ballpark, referred to in subsection (a)(3)(C) of this section, include approximately \$37 million of baseball revenue collected in 2005 (plus interest), approximately \$30 million of interest earned from the borrowing, and approximately \$9 million of premium received on the sale of the bonds. These fees shall not exceed the total expenditure limits set forth in this act.

(c) Any revenue derived from development rights on the Ballpark Site by the Anacostia Waterfront Corporation or any District government entity, independent agency, or instrumentality shall not be used for any overruns on the hard and soft costs, but may be used for any overruns on the land acquisition and remediation costs that are documented.

(d) The funds from the sources listed in subsection (a) of this section may be expended to cover any amount of the hard costs in excess of \$300 million and any amount of the soft costs in excess of \$175,184,218.

Sec. 5. Development rights.

(a) The District government, or one of its instrumentalities, such as the Anacostia Waterfront Corporation, shall control development rights on the north side of the Ballpark Site and all but 210,000 square feet of development rights reserved for the MLB Team purposes on the south side of the Ballpark Site. Development on the east side of the Ballpark Site, on First Street, S.E., shall generate revenue to the District and shall be developed in accordance with a plan approved by the Council.

(b) Any excess revenues derived from development rights that are not used for cost overruns for land acquisition and environmental remediation shall be deposited into the Community Benefits Fund established by section 202 of the Ballpark Omnibus Financing and Revenue Act of 2004, effective April 8, 2005 (D.C. Law 15-320; D.C. Official Code § 10-1602.02).

Sec. 6. Section 105 of the Ballpark Omnibus Financing and Revenue Act of 2004, effective April 8, 2005 (D.C. Law 15-320; D.C. Official Code § 10-1601.05), is amended as follows:

(a) Subsection (c) is amended by adding a new paragraph (6) to read as follows:

“(6) The Sports and Entertainment Commission shall comply with the expenditure limitations set forth in sections 3 and 4 of the Ballpark Hard and Soft Costs Cap

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Act of 2007, passed on 2nd reading on July 10, 2007 (Enrolled version of Bill 17-11). The Sports and Entertainment Commission shall submit a monthly report of expenditures to the Council no later than the 15th of each month.”.

(b) A new subsection (f) is added to read as follows:

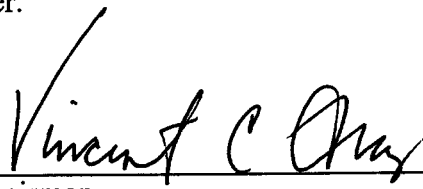
“(f) Except as provided in sections 3 and 4 of the Ballpark Hard and Soft Costs Cap Act of 2007, passed on 2nd reading on July 10, 2007 (Enrolled version of Bill 17-11), no funds in the General Fund of the District of Columbia shall be spent on the hard and soft costs (as the terms are defined in such act) for construction of the ballpark.”.

Sec. 7. Fiscal impact statement.

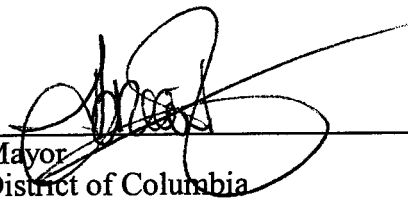
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 8. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
July 27, 2007

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-85

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 25, 2007*Codification
District of
Columbia
Official Code*

2001 Edition

2007 Fall
Supp.West Group
Publisher

To amend the District of Columbia Comprehensive Plan Act of 1984 Land Use Element Amendment Act of 1984 to exempt from zoning the government's use of parking garages on the ballpark site.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Ballpark Parking Completion Amendment Act of 2007".

Sec. 2. Section 7(a) of the District of Columbia Comprehensive Plan Act of 1984 Land Use Element Amendment Act of 1984, effective May 23, 1990 (D.C. Law 8-129; D.C. Official Code § 1-301.68(a)), is amended as follows:

Amend
§ 1-301.68

(a) Paragraph (1) is amended by striking the phrase "and (4)" and inserting the phrase "(4), and (5)" in its place.

(b) A new paragraph (5) is added to read as follows:

"(5) The government's use of the parking structures that will provide approximately 1,325 parking spaces on areas commonly known as "parcel A" (adjacent to South Capitol Street and N Street, S.E.), "parcel B" (adjacent to N Street and First Street, S.E.), and "parcel C" (adjacent to Potomac Avenue and South Capitol Street, S.E.) within the ballpark site, as defined under section 105(a)(2) of the Ballpark Omnibus Financing and Revenue Act of 2004, effective April 8, 2005 (D.C. Law 15-320; D.C. Official Code § 10-1601.05(a)(2)), or ballpark, as defined under D.C. Official Code § 47-2002.05(a)(1)(A), shall not be subject to zoning."

Sec. 3. Sunset.

This act shall expire on the earlier of the completion of the construction in 2006 through 2008 of the parking structures, including the issuance of a certificate of occupancy for such structures, on the Ballpark Site or December 31, 2008.

Note,
§ 1-301.68

Sec. 4. Fiscal impact statement.

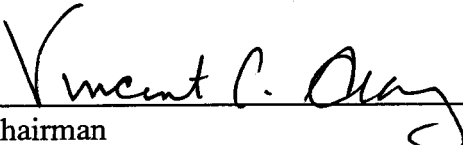
The Council adopts the fiscal impact statement of the Chief Financial Officer as the

ENROLLED ORIGINAL

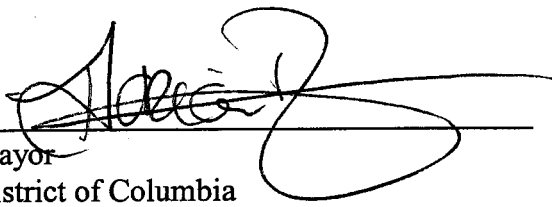
fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
July 25, 2007

ENROLLED ORIGINAL

AN ACT
D.C. ACT 17-86IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JULY 26, 2007*Codification
District of
Columbia
Official Code*

2001 Edition

2007 Fall
Supp.West Group
Publisher

To amend section 25-374 of the District of Columbia Official Code to permit, within a time certain, a one-time transfer of licensee establishments that permit nude dancing and were displaced by development in or near the Ballpark footprint, or within the Skyland Development Project site.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "One-Time Relocation of Licensees Displaced by the Ballpark and Skyland Development Project Act of 2007".

Sec. 2. Section 25-374 of the District of Columbia Official Code is amended as follows:

Amend
§ 25-374

(a) Designate the existing text as subsection (a).

(b) New subsections (b), (c), (d), (e), (f), and (g) are added to read as follows:

"(b)(1) Notwithstanding the restrictions of subsection (a) and (a)(1) of this section, but subject to the provisions in subsection (a)(2) of this section, if a licensee was located in a CM or M-zoned district, in or within 2000 feet of the footprint of the Ballpark, as of January 1, 2006, or was located within the Skyland Development Project site as described in § 2-1219.19(c)(1), as of January 1, 2007, then within one year of the effective date of the One-Time Relocation of Licensees Displaced by the Ballpark and Skyland Development Project Act of 2007, passed on 2nd reading on July 10, 2007 (Enrolled version of Bill 17-109), a license may be transferred to:

"(A) A location in any CM or M-zoned district, if the licensee was located in a CM or M-zoned district, respectively, as identified in the zoning regulations of the District of Columbia and shown in the official atlases of the Zoning Commission of the District of Columbia;

"(B) A location in any CM-zoned district, if the licensee was located within the Skyland Development Project site; or

"(C) In any C-3, C-4, or C-5 zone within 5000 feet from the Ballpark footprint.

"(2) For the purposes of this subsection, the term "Ballpark" shall have the same meaning as provided in § 47-2002.05(a)(1)(A).

ENROLLED ORIGINAL

“(c)(1) No more than 2 licensees may be transferred to any one ward pursuant to subsection (b) of this section.

“(2) Licensees transferring to a C-4 zone shall not count against the ward limitations set forth in paragraph (1) of this subsection.

“(d) Notwithstanding any other provision, licensees relocating pursuant to subsection (b) of this section shall not locate within 1,200 feet from each other.

“(e) No portion of any establishment granted a license pursuant to subsection (b) of this section shall be located within 600 feet of a church, school, library, playground, or the area under the jurisdiction of the Commission of Fine Arts pursuant to §§ 6-611.01-6-611.02.

“(f) All licensees shall consult the Advisory Neighborhood Commission in the area where the license is transferred pursuant to subsection (b) of this section regarding entering a voluntary agreement with the community.

“(g) Notwithstanding any other provision of this section, a license under subsection (b) of this section shall not be transferred prior to November 1, 2007, or to a location that has been rezoned by that date to a residential, C-1, or C-2 zoning district classification as identified in the Zoning Regulations of the District of Columbia.”.

Sec. 3. Fiscal impact statement.

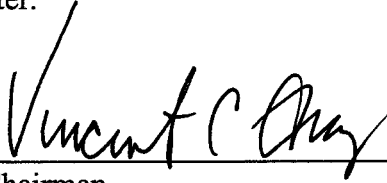
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

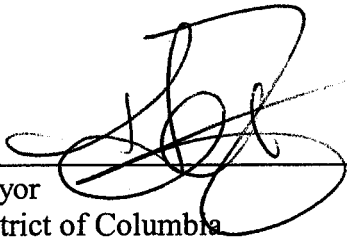
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
July 26, 2007

ENROLLED ORIGINAL

AN ACT
D.C. ACT 17-87IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JULY 25, 2007*Codification
District of
Columbia
Official Code*

2001 Edition

2007 Fall
Supp.West Group
Publisher

To amend the Advisory Commission on Sentencing Establishment Act of 1998 to authorize the District of Columbia Sentencing and Criminal Code Revision Commission to promulgate, implement, and revise a system of voluntary guidelines, publish instructions and provide technical assistance to the court and practitioners, review and analyze sentencing data, file reports with the Council, and review and research sentencing policies and practices, to exempt ex officio members from term limits, and to repeal provisions that are outdated.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District of Columbia Sentencing and Criminal Code Revision Commission Amendment Act of 2007".

Sec. 2. The Advisory Commission on Sentencing Establishment Act of 1998, effective October 16, 1998 (D.C. Law 12-167; D.C. Official Code § 3-101 *et seq.*), is amended as follows:

(a) Section 2(b) (D.C. Official Code § 3-101(b)) is amended to read as follows:

"(b) In addition to the duties required under section 2a, the Commission shall perform the following duties:

"(1) Promulgate, implement, and revise a system of voluntary sentencing guidelines for use in the Superior Court of the District of Columbia designed to achieve the goals of certainty, consistency, and adequacy of punishment, with due regard for the:

"(A) Seriousness of the offense;

"(B) Dangerousness of the offender;

"(C) Need to protect the safety of the community;

"(D) Offender's potential for rehabilitation; and

"(E) Use of alternatives to prison, where appropriate;

"(2) Publish a manual containing the instructions for applying the voluntary guidelines, update the manual periodically, and provide ongoing technical assistance to the court and practitioners on sentencing and sentencing guideline issues;

"(3) Review and analyze pertinent sentencing data and, where the information

Amend
§ 3-101

ENROLLED ORIGINAL

has not been provided in a particular case, ask the judge to specify the factors upon which he or she relied in departing from the guideline recommendations or for imposing what appears to be a noncompliant sentence;

“(4) Conduct focus groups, community outreach, training, and other activities designed to collect and disseminate information about the guidelines;

“(5) Review and research sentencing policies and practices locally and nationally, and make recommendations to increase the fairness and effectiveness of sentences in the District of Columbia; and

“(6) Consult with other District of Columbia, federal, and state agencies that are affected by or address sentencing issues.”.

(b) Section 2a(c) (D.C. Official Code § 3-101.01(c)) is amended by striking the word “recommendations” and inserting the phrase “recommendations for criminal code revisions” in its place.

Amend
§ 3-101.01

(c) Section 3 (D.C. Official Code § 3-102) is amended as follows:

Amend
§ 3-102

(1) Subsection (a) is amended as follows:

(A) Paragraph (1) is amended as follows:

(i) Subparagraph (E) is amended by striking the phrase “Corporation Counsel” and inserting the phrase “Attorney General” in its place.

(ii) Subparagraph (F) is amended to read as follows:

“(F) The Director of the Court Services and Offender Supervision Agency for the District of Columbia or his or her designee;”.

(B) Paragraph (2)(E) is amended to read as follows:

“(E) The chairperson of the Council committee that has oversight of the Commission within its purview.”.

(2) Subsection (b) is amended to read as follows:

“(b) The appointment of members designated by subsection (a)(1)(G), (H), (I), and (J) of this section shall be made in accordance with the following provisions:

“(1) Each member shall be appointed for a term of 3 years, and shall continue to serve during that time as long as the member remains eligible for the appointment.

“(2) A member may be reappointed.

“(3) A person appointed to fill a vacancy occurring prior to the expiration of a term shall serve for the remainder of the term or until a successor has been appointed.

“(4) A member may be removed only for incompetence, neglect of duty, or misconduct.”.

(d) Section 4(c) (D.C. Official Code § 3-103(c)) is amended by striking the number “7” and inserting the number “8” in its place.

Amend
§ 3-103

(e) Section 5 (D.C. Official Code § 3-104) is amended as follows:

Amend
§ 3-104

(1) Subsection (c) is repealed.

(2) A new subsection (d) is added to read as follows:

“(d) Starting in 2008, the Commission shall file a report with the Council on or before

ENROLLED ORIGINAL

April 30 of each calendar year that:

“(1) Contains an analysis of the sentences imposed in the preceding calendar year, including:

“(A) The rate of compliance with the guidelines;

“(B) The number and extent of any departures from the guidelines; and

“(C) The reasons given for those departures;

“(2) Describes any substantive changes made to the guidelines during the preceding year, including changes in the:

“(A) Recommended sentencing options or prison ranges;

“(B) Ranking of particular offenses; or

“(C) Rules for scoring criminal history; and

“(3) Informs the Council how it has ranked any new felony offense or reranked any existing felony offense because of a statutory change or for another reason, and the resulting guideline sentencing options and prison range for each such an offense.”.

(f) Section 6 (D.C. Official Code § 3-105) is amended to read as follows:

Amend
§ 3-105

“Sec. 6. Voluntary sentencing guidelines.

“(a) The voluntary sentencing guidelines promulgated by the Commission shall not be binding on judges.

“(b) Notwithstanding the guidelines, the judge in an individual case may impose any sentence that does not exceed the maximum term prescribed by law and is not otherwise prohibited by the Constitution or laws of the United States or the District of Columbia.

“(c) The sentencing guidelines shall not create any legally enforceable rights in any party nor shall they diminish any rights that currently exist.

“(d) The Commission shall not implement any changes in the basic structure of the voluntary sentencing guidelines without first informing the Council.”.

Sec. 3. Section 101 of the District of Columbia Police and Firemen’s Salary Act of 1958, approved August 1, 1958 (72 Stat. 481; D.C. Official Code § 5-541.01), is amended by adding a new subsection (a-1) to read as follows:

Amend
§ 5-541.01

“(a-1) Notwithstanding subsection (a) of this section, the Chief of the Fire and Emergency Medical Services Department, effective April 16, 2007, shall be paid under the DX Schedule, at the Grade E5 level, pursuant to section 1052 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-610.52).”.

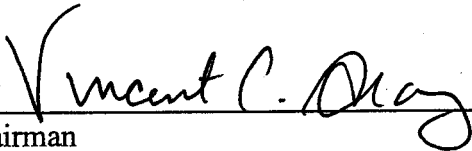
Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

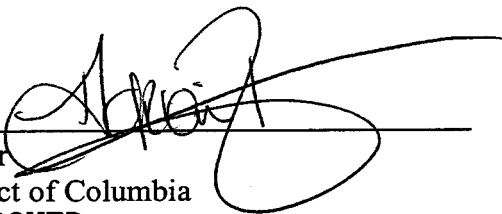
ENROLLED ORIGINAL

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
July 25, 2007

ENROLLED ORIGINAL

AN ACT
D.C. ACT 17-88

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 25, 2007Codification
District of
Columbia
Official Code

2001 Edition

2007 Fall
Supp.West Group
Publisher

To amend the District of Columbia Election Code of 1955 to change the date of the District's presidential preference primary election from the 2nd Tuesday in January of each presidential election year to the 2nd Tuesday in February of each presidential election year; to allow political parties to hold elections for party officials on either the 2nd Tuesday in February of each presidential election year or the 1st Tuesday after the 2nd Monday in September of each presidential election year if there is a primary election already scheduled for other purposes on the date requested; and to eliminate the provision that elections for delegates to conventions and conferences of political parties can be held on dates when general or special elections are scheduled.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Election Date Amendment Act of 2007".

Sec. 2. The District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 702; D.C. Official Code § 1-1001.01 *et seq.*), is amended as follows:

(a) Section 1(2) (D.C. Official Code § 1-1001.01(2)) is amended by striking the phrase "Provided, that all elections for delegates to conventions and conferences of political parties, upon the request of the said party, shall be scheduled at the same time as primary, general, or special elections already scheduled for other purposes".

Amend
§ 1-1001.01

(b) Section 5(b)(1) (D.C. Official Code § 1-1001.05(b)(1)) is amended by striking the phrase "2nd Tuesday in January" and inserting the phrase "2nd Tuesday in February" in its place.

Amend
§ 1-1001.05

(c) Section 10(a)(1) (D.C. Official Code § 1-1001.10(a)(1)) is amended to read as follows:

Amend
§ 1-1001.10

"(a)(1) The elections of the officials referred to in sections 1(1), (2), (3), or (4) shall be held, at the request of the party, on either the 2nd Tuesday in February of each presidential election year or the 1st Tuesday after the 2nd Monday in September of each presidential election year if there is a primary election already scheduled for other purposes on the date requested. The primary under section 5(b) shall be held on the 2nd Tuesday in February of each presidential election year."

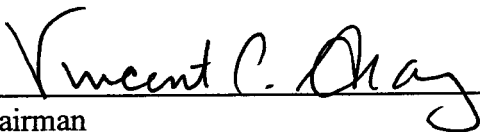
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Sec. 3. Fiscal impact statement.

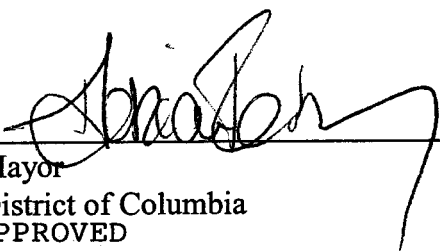
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
July 25, 2007

ENROLLED ORIGINAL

AN ACT
D.C. ACT 17-89

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 25, 2007Codification
District of
Columbia
Official Code

2001 Edition

2007 Fall
Supp.West Group
Publisher

To amend the Business Improvement Districts Act of 1996 to approve the establishment of the Capitol Riverfront Business Improvement District.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Capitol Riverfront Business Improvement District Amendment Act of 2007".

Sec. 2. The Business Improvement Districts Act of 1996, effective May 29, 1996 (D.C. Law 11-134; D.C. Official Code § 2-1215.01 *et seq.*), is amended as follows:

(a) Section 3(18) (D.C. Official Code § 2-1215.02(18)) is amended by striking the phrase "or NoMa BID" and inserting the phrase ", NoMa BID, or Capitol Riverfront BID" in its place.

Amend
§ 2-1215.02

(b) Section 5(b) (D.C. Official Code § 2-1215.04(b)) is amended by striking the phrase "or NoMa" and inserting the phrase "NoMa, or Capitol Riverfront" in its place.

Amend
§ 2-1215.04

(c) A new section 208 is added to read as follows:

"Sec. 208. Capitol Riverfront BID.

"(a) Subject to review and approval by the Mayor under the provisions of sections 5 and 6, the formation of the Capitol Riverfront BID, including nonexempt real property within the geographic area set forth in subsection (b) of this section, is hereby authorized and the BID taxes established in subsection (c) of this section are hereby imposed through the expiration date of this act or the termination or dissolution of the BID.

"(b) The Capitol Riverfront BID shall be comprised of the geographic area bounded by a line beginning at the intersection of an extension south of the center line of 2nd Street, S.W., and the northern bank of the Anacostia River; continuing north along extension of the center line of 2nd Street, S.W., to the center line of 2nd Street, S.W.; continuing north along the center line of 2nd Street, S.W., to the center line of Q Street, S.W.; continuing east along the center line of Q Street, S.W., to the center line of Half Street, S.W.; continuing north along the center line of Half Street, S.W., to the center line of P Street, S.W.; continuing east along the center line of

ENROLLED ORIGINAL

P Street, S.W., to the center line of South Capitol Street; continuing north along the center line of South Capitol Street to the southern boundary of the Southeast-Southwest Freeway (I-395); continuing southeast along the southern boundary of the Southeast-Southwest Freeway (I-395) to the intersection of an extension south of the center line of 15th Street, S.E.; continuing south along the extension of the center line of 15th Street, S.E., to the northern bank of the Anacostia River; continuing southwest along the northern bank of the Anacostia River to the center line of 2nd Street, S.W.

“(c)(1) The BID taxes for the nonexempt real properties in the Capitol Riverfront BID shall be:

“(A) The amount of \$0.09 per \$100 of the assessed value of real property containing less than 50,000 square feet of gross building area;

“(B) The amount of \$0.04 per \$100 of the assessed value of land and buildings which have a certificate of occupancy or other District license indicating that the land or building has an existing active industrial, utility, or storage use;

“(C) The amount of \$0.02 per \$100 of assessed value of land and buildings located, in whole or in part, within the right-of-way for the realignment of the Frederick Douglass Memorial Bridge;

“(D) The amount of \$0.12 per square foot of commercial buildings containing 50,000 square feet of gross building area or more; provided, that the BID tax imposed on any such real property shall not exceed \$75,000 annually;

“(E) The amount of \$72 per hotel room annually; and

“(F) The amount of \$96 per unit annually for nonexempt residential properties; provided, that if a residential unit is restricted to residents based upon income pursuant to a federal or District affordable housing program, the BID tax due on the unit shall be computed by applying the percentage of area median income that an eligible household must meet to participate in the affordable housing program for the unit to the amount of the BID tax which would otherwise be due.

“(2) To the extent that a building that is subject to the BID tax is constructed pursuant to a ground lease on land that is exempt from real property taxes, the assessed value of the real property for purposes of the BID tax shall include the value of the building and the leasehold interest, possessory interest, beneficial interest, or beneficial use of the land, and the lessee or user of the land shall be assessed the corresponding BID tax, which shall be a personal liability of the lessee. Delinquencies shall be collected in the same manner as possessory interest taxes under D.C. Official Code § 47-1005.01 or as otherwise provided in this act.

“(3) A 5% annual increase in the BID taxes over the current tax year rates specified in paragraph (1) of this subsection is authorized subject to the requirements of section 8(b).

ENROLLED ORIGINAL

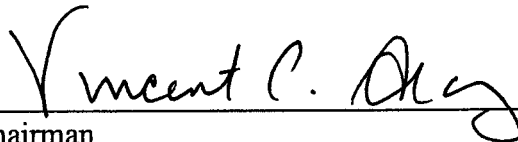
“(4) For the purposes of this subsection, the real property located in Square 770, Lot 802, designated as the DOT PILOT Area under the DOT Pilot Revision Emergency Approval Resolution of 2006, effective October 18, 2006 (Res. 16-845; 53 DCR 8970), shall be deemed a nonexempt real property.”.

Sec. 3. Fiscal impact statement.

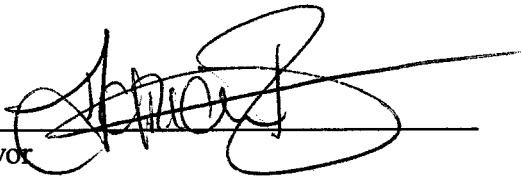
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
July 25, 2007

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-90

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 25, 2007*Codification
District of
Columbia
Official Code*

2001 Edition

2007 Fall
Supp.West Group
Publisher

To approve, on a temporary basis, the expenditure of \$33.488 million in additional revenue realized through a revised quarterly revenue estimate for the rebuilding of Eastern Market and the Georgetown Public Library and to provide details of the purpose for the expenditure; and to amend Chapter 46 of Title 47 of the District of Columbia Official Code to provide an exemption from the remittance of corporate and unincorporated business taxes and sales taxes for dislocated interior market tenants of Eastern Market.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Eastern Market and Georgetown Public Library Disaster Relief Temporary Act of 2007".

Sec. 2. In accordance with section 202(j)(3)(B) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat.109; D.C. Official Code § 47-392.02(j)(3)(B)), and section 101 of the 2005 District of Columbia Omnibus Authorization Act, approved October 16, 2006 (Pub. L. No. 109-356; 120 Stat. 2020), the Council approves the one-time expenditure of \$33.488 million of local funds made available from additional certified revenue as follows:

(1) An amount of \$33.463 million, which shall be added to the Pay-As-You-Go Capital Fund and as a new fiscal year 2007 capital project to the Office of Property Management entitled, PL801C, Historic Property Recovery Pool, for the rebuilding and renovation of Eastern Market and the Georgetown Public Library; of which an amount not to exceed \$1.5 million may be allocated to the Office of Property Management Swing Space activity to finance operating expenses incurred in the stabilization of Eastern Market; and

(2) An amount of \$25,000 that shall be reserved for remittance of certain sales and business taxes.

Sec. 3. Chapter 46 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding a new section designation "47-4608.

ENROLLED ORIGINAL

Exemption from remittance of business taxes and sales taxes for dislocated interior Eastern Market tenants."

(b) A new section 47-4608 is added to read as follows:

"§ 47-4608. Exemption from remittance of business taxes and sales taxes for dislocated interior Eastern Market tenants.

"A dislocated interior market tenant doing business at Eastern Market shall be exempt from corporate and unincorporated business taxes and sales taxes imposed by, respectively, Chapters 18 and 20 of this title for the period of February 1, 2007 through April 30, 2007."

Note,
§ 47-4608

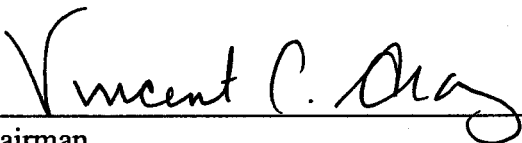
Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

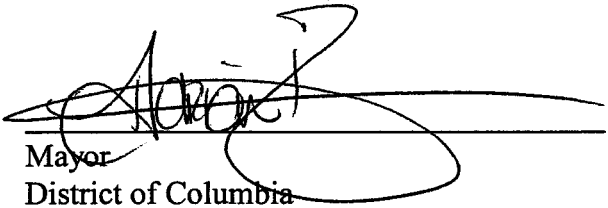
Sec. 5. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
July 25, 2007

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-91

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 25, 2007*Codification
District of
Columbia
Official Code*

2001 Edition

2007 Fall
Supp.West Group
Publisher

To amend, on a temporary basis, the District of Columbia Revenue Act of 1937 in a nonseverable manner to allow individuals who resided outside the District, who were licensed to operate a taxicab within the District, and who had registered a vehicle with the Department of Motor Vehicles for use as a taxicab within the District of Columbia notwithstanding residency outside the District, all as of March 1, 2006, to continue to register a single vehicle within the District for use as a taxicab within the District, to provide for an additional fee for this service, and to direct the uses to which this fee shall be put; and to amend Title 18 of the District of Columbia Municipal Regulations to make conforming amendments.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Non-Resident Taxi Drivers Registration Temporary Amendment Act of 2007".

Sec. 2. Title IV of the District of Columbia Revenue Act of 1937, approved August 17, 1937 (50 Stat. 679; D.C. Official Code § 50-1501.01 *et seq.*), is amended as follows:

(a) Section 2(c)(5) (D.C. Official Code § 50-1501.01(c)(5)) is amended to read as follows:

*Note,
§ 50-1501.01*

"(5)(A) Is domiciled in the District of Columbia; except that the person need not be domiciled in the District of Columbia if:

"(i)(I) The owner is a partnership, corporation, association, or government entity;

"(II) The vehicle is housed in the District of Columbia;

"(III) The vehicle is provided to an employee of the owner for the employee's use;

"(IV) The employee is domiciled in the District of Columbia; and

"(V) The owner submits an affidavit affirming compliance with this paragraph and agreeing that the address on the registration certificate and

ENROLLED ORIGINAL

in the Department of Motor Vehicles' records shall be the address of the operator and that the employee's address shall be considered the owner's address for the purpose of sending any notices required by any statute or regulation for that vehicle;

"(ii) The owner is a member of Congress and has a District of Columbia residence;

"(iii) The owner is a lessor and the vehicle is leased to a person domiciled in the District of Columbia; or

"(iv) The owner meets the requirements set forth in subparagraph (B) of this paragraph.

"(B) An owner of a vehicle need not be domiciled in the District of Columbia if:

"(i) The owner is an individual who holds a valid license to operate a taxicab or limousine within the District of Columbia;

"(ii) The owner held a valid license to operate a taxicab or limousine within the District of Columbia on March 1, 2006;

"(iii) The owner resided outside the District of Columbia on March 1, 2006;

"(iv) The owner had registered a vehicle with the Department of Motor Vehicles on March 1, 2006;

"(v) The owner has no other vehicle currently registered within the District of Columbia;

"(vi) The owner is registering the vehicle for use as a taxicab or limousine within the District of Columbia; and

"(vii) The owner of the vehicle has, prior to registering the vehicle on or after June 21, 2007, but no later than September 28, 2007, registered with the Office of Tax and Revenue for business taxes by completing a tax registration form; provided, that:

"(I) Verification of such registration with the Office of Tax and Revenue must be provided to the Department of Motor Vehicles at the time the vehicle is registered;

"(II) The owner of the vehicle shall be permitted to register the vehicle for the 2007 year without having to undergo Clean Hands certification pursuant to D.C. Official Code §§ 47-2862 and 47-2863; and

"(III) The owner of the vehicle must meet the franchise tax filing and payment requirements as set forth in D.C. Official Code §§ 47-1805.02, 47-1807.02, and 47-1808.03 on a prospective basis for the 2007 year and subsequent years."

(b) Section 3 (D.C. Official Code § 50-1501.03) is amended as follows:

(1) A new subsection (b-1) is added to read as follows:

"(b-1) Non-resident taxi driver vehicle registration. In addition to any fees that may be due under any other statute or regulation, a driver who was exempted from the residency

Note,
§ 50-1501.03

ENROLLED ORIGINAL

requirements to register a vehicle within the District of Columbia under section 2(c)(5)(B) shall be charged an additional fee of \$100.”.

(2) Subsection (d) is amended to read as follows:

“(d) The proceeds from fees payable under this act shall be paid into the General Fund of the District as established by the Revenue Funds Availability Act of 1975, effective January 22, 1976 (D.C. Law 1-42; 22 DCR 6317), except that fees collected under subsection (b-1) of this section shall be paid into the Out-of-State Vehicle Registration Special Fund established by section 3a.”.

(c) A new section 3a is added to read as follows:

“Sec. 3a. Out-of-State Vehicle Registration Special Fund.

“(a)(1) There is established as a nonlapsing fund the Out-of-State Vehicle Registration Special Fund (“Fund”). The Fund shall be administered by the Office of the Director of the Department of Motor Vehicles.

“(2) All funds collected from the registration of a motor vehicle by a person not domiciled in the District of Columbia in excess of the funds that would have been collected from the registration of an equivalent motor vehicle by a person domiciled in the District of Columbia shall be deposited into the Fund.

“(3) All funds deposited into the Fund shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time, but shall be continually available for the uses and purposes set forth in subsection (b) of this section, subject to authorization by Congress.

“(b)(1) The first \$25 of each registration fee deposited into the Fund shall be used for programs encouraging residents of the District of Columbia to pursue careers as a driver of a limousine or taxicab.

“(2) Any revenues in excess of those required to be distributed by paragraph (1) of this subsection shall be used by the Department of Motor Vehicles to defray the costs of operating the Fund, including such costs as may arise from determining whether an out-of-state vehicle is permitted to register in the District of Columbia at a higher rate than those charged to an equivalent vehicle owned by a District of Columbia resident; provided, that no revenues in excess of the actual costs of operating the Fund shall be used for this purpose.

“(3) Any revenues in excess of those required to be distributed by paragraphs (1) and (2) of this subsection shall be used for the operational or capital needs of the District of Columbia Taxicab Commission.”.

Sec. 3. Section 412.1(m) of Title 18 of the District of Columbia Municipal Regulations (18 DCMR § 412.1(m)) is amended to read as follows: DCMR

“(m) If a person is not domiciled in the District of Columbia, unless the owner is exempted from the domicile requirement under section 2(c)(5) of the District of Columbia

ENROLLED ORIGINAL

Revenue Act of 1937, approved August 17, 1937 (50 Stat. 680; D.C. Official Code § 50-1501.02(c)(5)).”.

Sec. 4. Nonseverability.

If any provision of section 2, or its application to any person or circumstance, is held to be unconstitutional, beyond the statutory authority of the Council, or otherwise invalid, then all provisions of this act shall be deemed invalid.

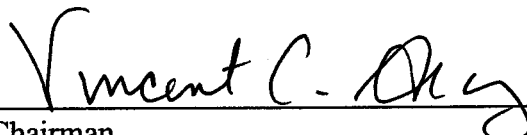
Sec. 5. Fiscal impact statement.

The Council adopts the May 23, 2007 fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

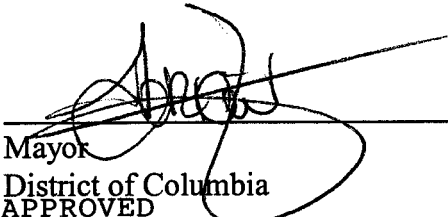
Sec. 6. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
July 25, 2007

ENROLLED ORIGINAL

AN ACT
D.C. ACT 17-92

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 25, 2007

To amend, on a temporary basis, the Unfoldment, Inc. Equitable Real Property Tax Relief Act of 2006 to clarify the intent of the Council in providing equitable real property tax relief to Unfoldment, Inc.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Unfoldment, Inc., Equitable Real Property Tax Relief Clarification Temporary Amendment Act of 2007".

Sec. 2. Section 1082 of the Unfoldment, Inc. Equitable Real Property Tax Relief Act of 2006, effective March 2, 2007 (D.C. Law 16-192; 53 DCR 6899), is amended to read as follows:

"Sec. 1082. (a) As of August 8, 2006, real property taxes, interest, penalties, fees (including legal fees), and other related charges assessed against the real property located at 546 Newcomb Street, S.E., lot 804, square 5984, and the real property located at 3825 South Capitol Street, S.W., lot 826, square 6129, for the period of January 1, 2002, through June 30, 2006, shall be forgiven and any payments made for such period shall be refunded, and the amount necessary to redeem the real property located at 546 Newcomb Street, S.E., lot 804, square 5984, shall be deposited with the Chief Financial Officer on behalf of Unfoldment, Inc.

"(b) The Office of the Chief Financial Officer shall cancel the July 1, 2003, tax sale of the property located at 546 Newcomb Street, S.E., lot 804, square 5984."

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

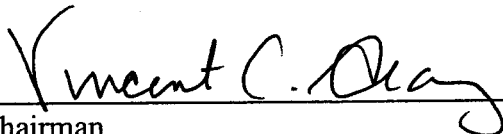
Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

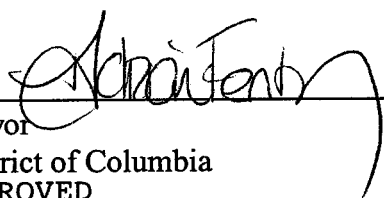
ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
July 25, 2007

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-93

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 26, 2007Codification
District of
Columbia
Official Code

2001 Edition

2007 Fall
Supp.West Group
Publisher

To amend, on a temporary basis, the International Banking Act of 2000 and the District of Columbia Regional Interstate Banking Act of 1985 to modernize the chartering of banks in the District.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Bank Charter Modernization Temporary Amendment Act of 2007".

Sec. 2. Section 7 of the International Banking Act of 2000, effective April 3, 2001 (D.C. Law 13-268; D.C. Official Code § 26-636), is amended as follows:

Note,
§ 26-636

(a) Subsection (d) is amended to read as follows:

"(d) An application filed under this section shall be subject to the application review procedures contained in section 5(a), (b), and (g) of the District of Columbia Regional Interstate Banking Act of 1985, effective November 23, 1985 (D.C. Law 6-63; D.C. Official Code § 26-704(a), (b), and (g))."

(b) A new subsection (e) is added to read as follows:

"(e) The Commissioner shall submit an annual report to the Council of all actions that the Commissioner takes pursuant to this section."

Sec. 3. The District of Columbia Regional Interstate Banking Act of 1985, effective November 23, 1985 (D.C. Law 6-63; D.C. Official Code § 26-701 *et seq.*), is amended as follows:

(a) Section 3(b) (D.C. Official Code § 26-702.01(b)) is amended as follows:

Note,
§ 26-702.01

(1) Paragraph (20) is amended by striking the phrase "; and" at the end of the paragraph and inserting a semicolon in its place.

(2) Paragraph (21) is amended by striking the period at the end of the paragraph and inserting the phrase "; and" in its place.

(3) A new paragraph (22) is added to read as follows:

"(22) Submit an annual report to the Council of all actions that the Commissioner takes pursuant to this section."

Note,
§ 26-704

(b) Section 5 (D.C. Official Code § 26-704) is amended as follows:

ENROLLED ORIGINAL

(1) Subsection (b) is amended as follows:

(A) Paragraph (2) is amended to read as follows:

“(2) The Commissioner shall either approve or disapprove the application and explain the reasons for the decision. No application required by this section shall be complete unless it is accompanied by an application fee in an amount to be established by the Commissioner and made payable to the District of Columbia Treasurer. No entity for which deposit insurance is required shall commence operations until the applicant has submitted evidence that the deposit insurance has been acquired.”.

(B) Paragraphs (3) through (5) are repealed.

(2) Subsection (c) is amended as follows:

(A) The lead-in text is amended to read as follows: “Any authority granted to acquire any District bank holding company or District bank shall be contingent on the review and approval of the Commissioner as provided in this subsection. Upon the filing of a complete application, the following procedures shall apply:”.

(B) Paragraph (1)(B) is repealed.

(C) Paragraph (2) is amended to read as follows:

“(2) The Commissioner shall either approve or disapprove the application and explain the reasons for the decision. The Commissioner shall consider:

“(A) The financial and managerial resources of the bank holding company;

“(B) The future prospects and stability of the subsidiaries of the bank holding company and the bank whose assets or shares the bank holding company seeks to acquire;

“(C) The financial history of the bank holding company or its subsidiary;

“(D) The adequacy of the bank holding company’s community development program; and

“(E) Whether the acquisition may result in undue concentration of resources or substantial decrease of competition in the District.”.

(D) Paragraphs (3) through (5) are repealed.

(E) Paragraph (6) is amended to read as follows:

“(6) The Commissioner shall submit a copy of the approval or disapproval to the Federal Reserve Board.”.

(F) Paragraph (7) is repealed.

(G) A new paragraph (8) is added to read as follows:

“(8) The Commissioner shall submit to the Council:

“(A) A quarterly report of any applications filed or decisions reached by the Commissioner pursuant to this section; and

“(B) An annual report of all actions that the Commissioner takes pursuant to this section.”.

(3) Subsection (d)(3)(M) is amended to read as follows:

ENROLLED ORIGINAL

“(M) The applicant’s agreement to submit an annual report to the Commissioner and the Council updating any information submitted to the Commissioner with regard to the community development program.”.

(4) Subsection (e)(1) is amended by striking the phrase “or the Council”.

(5) Subsections (f) through (i) are repealed.

(c) Section 7a(d) (D.C. Official Code § 26-706.01(d)) is amended by striking the phrase “and the Council approves, by resolution, the reduction or extension”.

Note,
§ 26-706.01

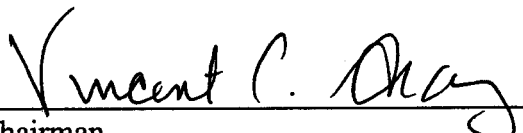
Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

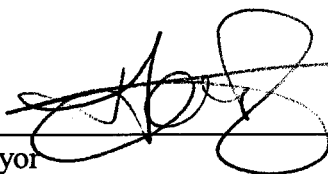
Sec. 5. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
July 26, 2007

ENROLLED ORIGINAL

AN ACT
D.C. ACT 17-94

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 25, 2007*Codification
District of
Columbia
Official Code*

2001 Edition

2007 Fall
Supp.West Group
Publisher

To amend, on a temporary basis, section 25-336 of the District of Columbia Official Code to clarify that the exemption from the alcohol retailer's license prohibition in a residential-use district shall apply if, at the time the application for a new license is submitted to the Alcoholic Beverage Control Board, a license of the same class is operating an establishment within 400 feet of the applicant.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Retail Class Exemption Clarification Temporary Act of 2007".

Sec. 2. Section 25-336(c) of the District of Columbia Official Code is amended by striking the phrase "type and".

Note,
§ 25-336

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

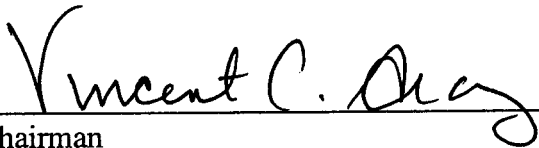
Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved

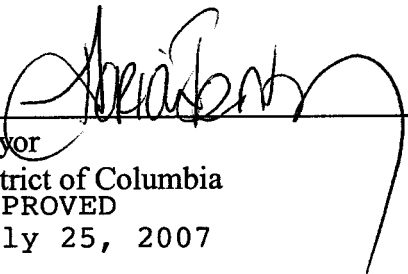
ENROLLED ORIGINAL

December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
July 25, 2007

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-95

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 26, 2007*Codification
District of
Columbia
Official Code*

2001 Edition

2007 Fall
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Publisher

To amend, on a temporary basis, the Retail Electric Competition and Consumer Protection Act of 1999 to prohibit the electric company from disconnecting residential electric service when the temperature is forecasted to be 93 degrees Fahrenheit or above.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Heat Wave Safety Temporary Amendment Act of 2007".

Sec. 2. The Retail Electric Competition and Consumer Protection Act of 1999, effective May 9, 2000 (D. C. Law 13-107; D.C. Official Code § 34-1501 *et seq.*), is amended by adding a new section 106a to read as follows:

"Sec. 106a. Disconnection of service in extreme temperature prohibited.

"(a) For the purposes of this section, the term "forecast of extreme temperature" means a National Weather Service forecast that the temperature for the District of Columbia will be 93 degrees Fahrenheit or above at any time during a day.

"(b) The electric company shall not disconnect residential electric service during the day preceding, and the day of, a forecast of extreme temperature. If the forecast of extreme temperature precedes a holiday or weekend day, the electric company shall not disconnect residential electric service on any day during the holiday or weekend."

Note,
§ 34-1506

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

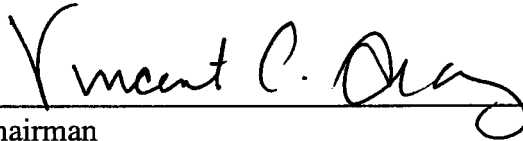
Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the

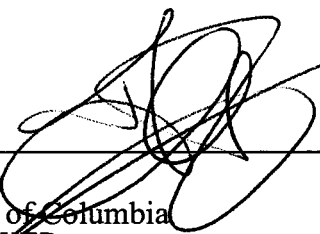
ENROLLED ORIGINAL

District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
July 26, 2007

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-96

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 27, 2007*Codification
District of
Columbia
Official Code*

2001 Edition

2007 Fall
Supp.West Group
Publisher

To amend, on a temporary basis, section 28-3911 of the District of Columbia Official Code to increase the maximum amount that may be maintained in the District of Columbia Consumer Protection Fund.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District of Columbia Consumer Protection Fund Temporary Amendment Act of 2007".

Sec. 2. Section 28-3911(a) of the District of Columbia Official Code is amended by striking the phrase "\$1,490,000" both times it appears and inserting the phrase "\$3 million" in its place.

*Note,
§ 28-3911*

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

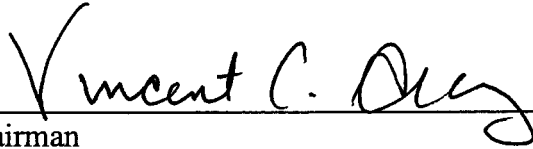
Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved

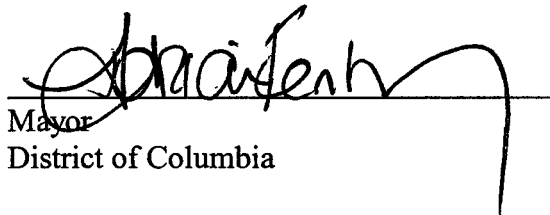
ENROLLED ORIGINAL

December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED

JULY 27, 2007

ENROLLED ORIGINAL

AN ACT
D.C. ACT 17-97

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 27, 2007*Codification
District of
Columbia
Official Code*

2001 Edition

2007 Fall
Supp.West Group
Publisher

To amend, on a temporary basis, the District of Columbia Regional Airports Authority Act of 1985 to clarify the authority to render mutual aid to regional jurisdictions.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District of Columbia Regional Airports Authority Clarification Temporary Amendment Act of 2007".

Sec. 2. Section 8(e) of the District of Columbia Regional Airports Authority Act of 1985, effective December 3, 1985 (D.C. Law 6-67; D.C. Official Code § 9-907(e)), is amended to read as follows:

Note,
§ 9-907

"(e) The Authority may enter into reciprocal or mutual aid agreements with a local political subdivision in the National Capital Region, as defined in 10 U.S.C. § 2674(f)(2), those counties with a border abutting the area and any municipality therein, any agency of the Commonwealth, the District of Columbia, the State of Maryland, the federal government, or any combination of the foregoing for cooperation in the furnishing of services during a public service event, an emergency, or planned training, including law enforcement, fire, rescue, emergency health and medical services, transportation, communications, public works and engineering, mass care, and resource support. When responding to a request under such an agreement, Authority employees may go outside Authority facilities, and the Authority and its employees shall have the same immunities from liability as the localities and their employees have in responding under similar circumstances."

Sec. 3. Fiscal impact statement.

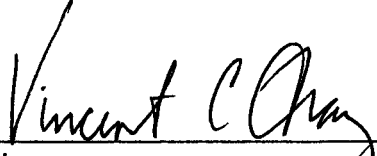
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

ENROLLED ORIGINAL

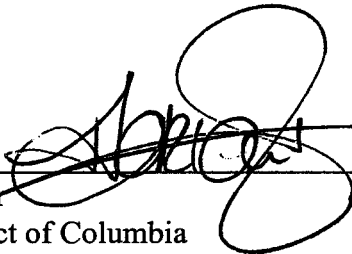
Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED

JULY 27, 2007

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-98

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 27, 2007*Codification
District of
Columbia
Official Code*

2001 Edition

2007 Fall
Supp.West Group
Publisher

To symbolically designate Hartford Street, S.E., from Alabama Avenue, S.E., to 22nd Street, S.E., as Calvin Woodland Sr. Place, in Ward 8.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Calvin Woodland Sr. Place Designation Act of 2007".

Sec. 2. Pursuant to sections 401 and 403a of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code §§ 9-204.01 and 9-204.03a) ("Act"), and notwithstanding section 407 of the Act (D.C. Official Code § 9-204.07), the Council symbolically designates Hartford Street, S.E., from Alabama Avenue, S.E., to 22nd Street, S.E., as "Calvin Woodland Sr. Place".

Note,
§ 9-204.01

Sec. 3. Transmittal.

The Secretary to the Council shall transmit a copy of this act, after it becomes effective, to the Director of the District Department of Transportation.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02 (c)(3)).

Sec. 5. Effective date.

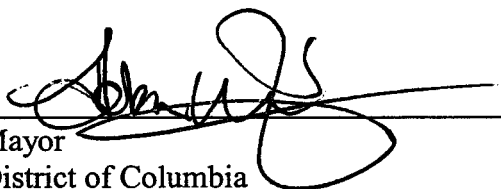
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02 (c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED

JULY 27, 2007

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-99

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 27, 2007*Codification
District of
Columbia
Official Code*

2001 Edition

2007 Fall
Supp.West Group
Publisher

To designate the public alley in Square 2566, bounded by Kalorama Road, N.W., Euclid Street, N.W., Ontario Road, N.W., and 17th Street, N.W., as Adams Alley, in Ward 1.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Adams Alley Designation Act of 2007".

Sec. 2. Pursuant to section 401 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-204.01), the Council designates the alley in Square 2566 that runs east to west from 17th Street, N.W., toward Ontario Road, N.W., and parallel to Kalorama Road, N.W., and Euclid Street, N.W., as "Adams Alley".

Note,
§ 9-204.01

Sec. 3. Transmittal.

The Secretary to the Council shall transmit a copy of this act, after it becomes effective, to the Surveyor of the District of Columbia and to the Director of the District Department of Transportation.

Sec. 4. Fiscal impact statement.


The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

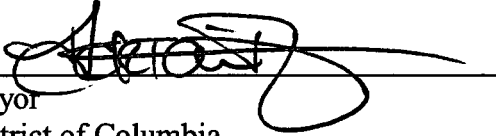
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
JULY 27, 2007

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-100

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 27, 2007*Codification
District of
Columbia
Official Code*

2001 Edition

2007 Fall
Supp.West Group
Publisher

To symbolically designate the intersection at Wisconsin Avenue, N.W., and M Street, N.W., as Joe Pozell Square, in Ward 2.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Joe Pozell Square Designation Act of 2007".

Sec. 2. Pursuant to sections 401 and 403a of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code §§ 9-204.01 and 9-204.03a), the Council symbolically designates the intersection at Wisconsin Avenue, N.W., and M Street, N.W., as "Joe Pozell Square".

Note,
§ 9-204.01

Sec. 3. Transmittal.

The Secretary to the Council shall transmit a copy of this act, after it becomes effective, to the Director of the District Department of Transportation.

Sec. 4. Fiscal impact statement.

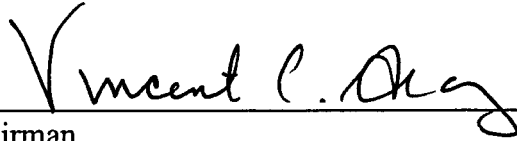
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

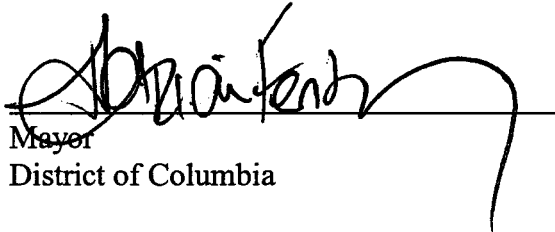
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayer
District of Columbia

APPROVED

JULY 27, 2007

ENROLLED ORIGINAL

AN ACT
D.C. ACT 17-101

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 27, 2007

To amend section 111.5 of Title 18 of the District of Columbia Municipal Regulations to prohibit the Department of Motor Vehicles from requiring a written test or road test to renew a driver's license simply because the applicant is 70 years of age or older.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Senior Driver Empowerment Amendment Act of 2007".

Sec. 2. Section 111.5(b) of Title 18 of the District of Columbia Municipal Regulations is amended to read as follows: DCMR

"(b) Notwithstanding the provisions of paragraph (a) of this subsection, the applicant shall not be required to complete the written test and road test to renew a license for the sole reason that an applicant is seventy (70) years of age or older."

Sec. 3. Fiscal impact statement.

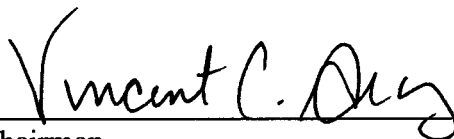
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

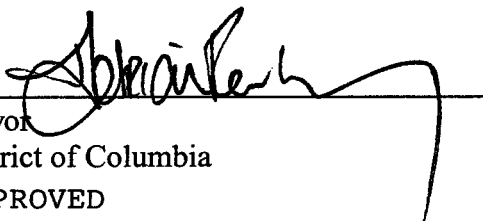
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED

JULY 27, 2007

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-102

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 27, 2007*Codification
District of
Columbia
Official Code*

2001 Edition

2007 Fall
Supp.West Group
Publisher

To amend the Rental Housing Conversion and Sale Act of 1980 to exempt a transfer of interests for the purposes of utilizing historic preservation tax credits to improve or renovate real property that is located at 733 15th Street, N.W., and is not occupied by residential tenants.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Historic Preservation Tax Credit Partnership and Limited Liability Company Clarification Amendment Act of 2007".

Sec. 2. Section 402(c)(2) of the Rental Housing Conversion and Sale Act of 1980, effective September 10, 1980 (D.C. Law 3-86; D.C. Official Code § 42-3404.02(c)(2)), is amended by adding a new subparagraph (H-i) to read as follows:

Amend
§ 42-3404.02

"(H-i)(i) A conveyance or re-conveyance for a project that improves or renovates the real property located at 733 15th Street, N.W. (Lot 22, Square 222), commonly known as "The Woodward Building," if:

"(I)(aa) It was operated as an office building until being vacated by commercial tenants to accommodate rehabilitation of the building;

"(bb) It was or is being redesigned for residential tenants, having previously not been designed for such use; and

"(cc) It was not occupied by residential tenants at the commencement of the project or as of the effective date of this subparagraph;

"(II) Its zoning is appropriate for its proposed residential use;

"(III) There is a conveyance by 15th and H Street Associates, LLP to the Master Tenant by entering into a master lease with the Master Tenant for the purpose of utilization of historic tax credits for the improvement or the renovation;

"(IV) 15th and H Street Associates, LLP:

"(aa) Submits a complete application for historic tax credits to the U.S. Department of Interior, National Park Service;

ENROLLED ORIGINAL

“(bb) Receives approval of part 1 and part 2 of the application; and

“(cc) Pursues approval of part 3 of the application in good faith;

“(V) There is a re-conveyance of the ownership interests within 120 months of the commencement of the project to 15th and H Street Associates, LLP, which re-conveyance restores the ownership interests in 15th and H Street Associates, LLP as existing at the commencement of the project (subject to any other transfers otherwise exempt under this section) and terminates the interest of the Master Tenant in the real property;

“(VI) 15th and H Street Associates, LLP does not sell the real property to the Investor Member except as permitted by this subparagraph;

“(VII) A Notice of Transfer is issued in accordance with subsection (d)(1)(A) of this section; and

“(VIII) Prior to the execution of a residential lease for the building, which execution occurs prior to the re-conveyance provided for in sub-sub-subparagraph (IV) of this sub-subparagraph, the proposed tenant receives a written notice, on a single page, in a minimum 14-point bold Times Roman font, that:

“(aa) 15th and H Street Associates, LLP has entered into a master lease with the Master Tenant for the purpose of utilizing historic tax credits;

“(bb) Within 120 months of the execution of the master lease, there may be a re-conveyance of the interest held by the Master Tenant to 15th and H Street Associates, LLP, which re-conveyance restores the ownership interests in 15th and H Street Associates, LLP as existing at the commencement of the project (subject to any other transfers otherwise exempt under this section) and terminates the interest of the Master Tenant in the real property; and

“(cc) The conveyances and re-conveyances, with respect to the real property only, are exempt from the provisions of this act if the requirements of this subparagraph are met, including the requirement that 15th and H Street Associates, LLP:

“(1) Submits a complete application for historic tax credits to the U.S. Department of Interior, National Park Service;

“(2) Receives approval of part 1 and part 2 of the application; and

“(3) Pursues approval of part 3 of the application in good faith.

“(ii) For the purposes of this subparagraph, the term:

“(I) “Conveyance” or “re-conveyance” means a transfer of interests in real property or an entity, including by sale, exchange, or execution or termination of a master lease, or a combination thereof.

ENROLLED ORIGINAL

“(II) “Historic tax credits” means tax credits under section 47 of the Internal Revenue Code of 1986, approved October 16, 1962 (76 Stat. 966; 26 U.S.C. § 47).

“(III) “Investor Member” means an investor in the Master Tenant.

“(IV) “Master Tenant” means a limited partnership or limited liability company that will:

“(aa) Be primarily owned by Investor Members who will have a noncontrolling interest; and

“(bb) Own a noncontrolling interest in 15th and H Street Associates, LLP.

“(V) “Noncontrolling interest” means an equity interest under which the Investor Member shall not, notwithstanding the Investor Member’s customary consent rights, and absent a default or breach by the managing partner:

“(aa) Exercise management or control over any aspect of the project, including acting as directors, officers, managers, or decision-makers in the project; or

“(bb) Play a role in selecting, recommending, or choosing directors, officers, managers, or decision-makers in the project.

“(iii) For the purposes of this subparagraph, failure to comply with the requirements of sub-subparagraph (I) through (VIII) of this subparagraph shall require 15th and H Street Associates, LLP to comply anew with the requirements of this act as though this subparagraph had not been enacted.”.

Sec. 3. Sunset.

This act shall expire 120 months after its effective date.

Sec. 4. Fiscal impact statement.

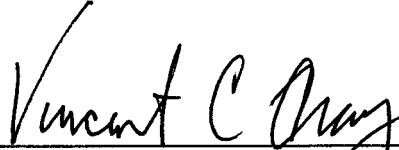
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

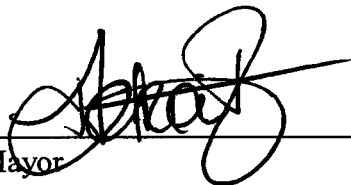
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED

JULY 27, 2007

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-103

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 27, 2007

To order the closing of a public alley in Square 28, bounded by 24th Street, N.W., 25th Street, N.W., I Street, N.W., K Street, N.W., and New Hampshire Avenue, N.W., in Ward 2; and to amend the Closing of a Public Alley in Square 739, the Closure of Streets, the Opening and Widening of Streets, and the Dedication of Land for Street Purposes (S.O. 06-221), Act of 2006 to clarify the streets to be closed.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act be cited as the "Closing of a Public Alley in Square 28, S.O. 04-13414, and Closing Clarification in Square 739, S.O. 06-221, Amendment Act of 2007".

Sec. 2. (a) Pursuant to section 201 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-202.01), the Council finds the public alley in Square 28, bounded by 24th Street, N.W., 25th Street, N.W., I Street, N.W., K Street, N.W., and New Hampshire Avenue, N.W., as shown on the Surveyor's plat filed under S.O. 04-13414, unnecessary for alley purposes and orders it closed, with title to the land to vest as shown on the Surveyor's plat. The approval of the Council of this closing is contingent upon the satisfaction of all conditions set forth in the official file S.O. 04-13414 and subsection (b) of this section.

(b) Upon the closing of the alley and the consent of the District of Columbia Water and Sewer Authority and the applicant, which is the owner of Lot 171 in Square 28, as shown in S.O. 04-13414:

(A) Ownership of the sewer in the public alley shall transfer from the District to the lot owner; or

(B) The applicant shall provide an easement to District of Columbia Water and Sewer Authority to access the sewer.

ENROLLED ORIGINAL

Sec. 3. Section 2 of the Closing of a Public Alley in Square 739, the Closure of Streets, the Opening and Widening of Streets, and the Dedication of Land for Street Purposes (S.O. 06-221), Act of 2006, effective March 14, 2007 (D.C. Law 16-282; 54 DCR 933), is amended by striking the last sentence and inserting the phrase "The Council further finds that the portions of Canal Street (North), Canal Street (South), and 1st Street, S.E., as shown on the Surveyor's plat filed under S.O. 06-221, are unnecessary for street purposes and orders them closed, with title to vest as shown on the Surveyor's plat. The approval of the Council of these closings is contingent upon the satisfaction of all the conditions set forth in the official file in the Surveyor's office in S.O. 06-221." in its place.

Sec. 4. Transmittal.

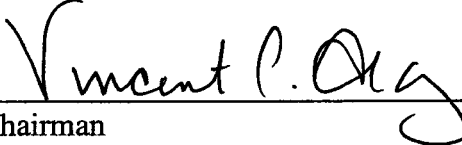
The Secretary to the Council shall transmit a copy of this act, upon its effective date, to the Recorder of Deeds and the Surveyor of the District of Columbia.

Sec. 5. Fiscal impact statement.

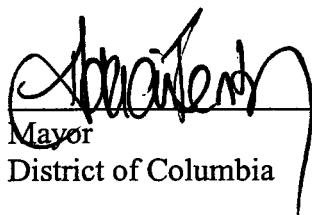
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED

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JULY 27, 2007

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